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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/763,106

01/22/2004

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08/06/2007

EXAMINER

RENDON, CHRISTIAN E

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/763,106

Applicant(s)

RANKIN ET AL.

Examiner

Christian E. Rendón

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 01/22/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 5, 12 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The meaning of the phrase “subset of members of the second set of physical entities defines a set of a set of experimental protocols” is lost through the exclusive use of the words “set” and “subset.” Therefore the relationship between the set & an inverse mapping of members is lost & Office expects the applicant to clear up the stated language and meaning of these limitations.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by ‘Ultima Online’ as evidence by Paul Drye (The Beginner’s Guide to Ultima Online v2.2).**

1. Massively multiplayer online role-playing game (MMORPG) is a genre of role-playing games (RPG) in which a large number of players interact with one another in a virtual world. Even though there are many different MMORPG with different set of rules, characters and abilities, they each share some basic characteristics established back in the days of role-playing board games. The role and functions of a game master (GM) is just one example of the basic characteristics found in multiplayer role-playing games. The GM acts as a referee and as a storyteller, in other words this

participate or player creates the setting and story of the adventure, controls non-playable characters (NPC) to further expand the story during the adventure and encouraging all of the players to participant.

2. Regarding claims 1-2, 8-9 and 15-16, each GM of an Ultima Online has the authority to create adventures or scenarios that manipulates NPC and players or second set of physical entities to interact with animals, enemies or first set of physical entities. The players are a subset of the second set of physical entities that are able to gain experience points (Drye: pg. 16, par. 5) that will improve their overall statistics. In other words the player can have an outcome exceed a pre-selected outcome, another common feature of any RPG type of game. The Ultima Online game servers track a player's progress and record the information to the player's membership account. For instance, a player cannot kill another player (Drye: pg. 9, 'What will lose me Karma') and NPC without a "just cause" (Drye: pg. 9, 'Can I Attack Someone?'). If the player is recorded as killing five players or NPC who were not evil than he or she is listed as a 'murderer' (Drye: pg. 9, 'I've Been Killed by Another Player. Now What?'). The world reacts to this new status by having town guards will kill the murdering player on site, merchants charging five time the price on items and acquiring assistance from only evil healers (Drye: pg. 9, 'I've Been Killed by Another Player. Now What?'). This feature allows players to leave and return to the virtual world without a penalty of a lost weapon or characteristics if they logoff correctly. Furthermore the Ultima Online game engine, which is installed on to a computer from a readable medium, is programmed to map first and second set of physical entities.

3. Regarding claims 3-4, 7, 10-11, 14, 17-18 and 21, one play through of the game or by merely viewing a screenshot of the game reveals the prior art's ability to solve a physical model problem. The act of a player logging back into the virtual world solves several model problems: the creation of the player's last location like an inn (Drye: pg. 4, 'Can I Log Off Just Anywhere?'), the

creation of the player's pet or horse (Drye: pg. 22, 'My Pet Disappeared When I Logged Off. Why?'), the creation of a docked boat (Drye: pg. 27, 'Where'd My Boat Go?'), and the creation of the player with all of their gear and weaponry.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 5-6, 12-13 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over 'Ultima Online' evidence by Paul Drye & Jere Lindell (Tutorial to New Players of Ultima Online) in view of 'The Sims'**

**(<http://www.nytimes.com/library/tech/00/04/circuits/articles/27sims.html>)**

4. A pathogenic organisms is defined as a life form that can harm human health in several ways like producing poisonous metabolic products as shown by the encyclopedia of Public Health (<http://health.enotes.com/public-health-encyclopedia/pathogenic-organisms>), which is cited in this action as extrinsic evidence. The beginner's guide discloses the existence of poisonous snakes and scorpions in the virtual world (Drye: pg. 17, 'What Spells Should I Learn?'). The poison created by these 'living' virtual creatures causes a player to die by lowering their hit points and stamina (Lindell: 'VIII. Woodlands' 'Word or Two About Poison'). Therefore snakes, scorpions and any other poisonous creature in the game is a pathogenic organism. A player can neutralize the poison through the casting of a spell or drinking the right potion (Lindell: 'VIII. Woodlands' 'Word or Two About Poison'). The player can obtain the right potion (orange) from a merchant (Lindell: 'About Buying Good Equipment') or if they are not experienced enough to cure the poison themselves

Art Unit: 3714

(Lindell: 'VIII. Woodlands' 'Word or Two About Poison'), they could ask the right person to assist them. Whichever solution the player chooses there is a character playing the role of a pharmaceutical agent.

5. However the prior art remains silent about testing experimental protocols on players. As disclosed by the NY Times article the creator of 'The Sims' Mr. Wright designed and released an experimental virus into the virtual world. In other words, "Mr. Wright was playing games with his game, with the players and with the whole idea of a virus" (Sims: par. 5). The creator offered the players a chance to raise a guinea pig. If the player neglected cleaning the cage of the animal the pig would become a disease vector, allowing a player the chance to become infected through an animal bit (Sims: par. 10). Once a player becomes ill, they had to figure out how to take care of themselves or suffer a death (Sims: par. 9 and 11). The solution to the virus was to allow your character sufficient rest (Sims: par. 11). Mr. Wright's desire to "push the interactivity and realism of the game one step further" (Sims: par. 3) was the motivation behind this experiment.

6. Therefore one of ordinary skill in the art would include an infectious 'virus code' in a MMORPG like 'Ultima Online' to increase the interactivity and realism of the video game. The next logical step is to reward player with high anatomy skills (Lindell: 'V: Some Basic Ethics', 'Healing') with the ability to play the role of a doctor and cure a disease, virus, heal bones, etc. Creating the possibility of a new character type and further diversifying the possible combination of creating a strong guild or team.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian E. Rendón whose telephone number is 571-272-3117. The examiner can normally be reached on 9 - 5pm.


Art Unit: 3714

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christian E Rendón  
Examiner  
Art Unit 3714

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TC3700